

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NAJIB SHOUCAIR,

Case No. 07-12964

Plaintiff,

Anna Diggs Taylor
U.S. District Judge

vs.

Michael Hluchaniuk
U.S. Magistrate Judge

MILLICENT WARREN AND
CORRECTIONS OFFICERS
DOE 1 AND DOE 2,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION
FOR APPOINTMENT OF COUNSEL WITHOUT PREJUDICE**

The present complaint was filed by plaintiff Najib Shoucair, a prisoner in the custody of the State of Michigan, on July 17, 2007. (Dkt. 1). In that complaint, plaintiff seeks damages against three employees of the Michigan Department of Corrections (MDOC) based on allegations that he was denied certain rights under the United States Constitution.¹ *Id.* This matter is before the Court on plaintiff's

¹ Defendants filed a motion for summary judgment alleging that plaintiff failed to exhaust his administrative remedies. (Dkt. 9). The undersigned recommended that this motion be denied, which recommendation was adopted by the District Court. (Dkt. 15, 22).

second motion for appointment of counsel. (Dkt. 26). Plaintiff previously filed a motion for the appointment of counsel (Dkt. 20), which this Court denied on May 15, 2008, without prejudice. (Dkt. 23). Plaintiff did not appeal that order to the District Court.

The Court previously concluded that, from reading the complaint and other pleadings filed by plaintiff, he has an adequate understanding of the matters involved in this case, and is able to articulate his claims and arguments in a reasonable fashion. (Dkt. 23). The Court also concluded that no dispositive motions on the substantive issues presented in this matter have yet been filed or decided and that, should any future dispositive motion(s) on the substantive issues in this matter be decided in plaintiff's favor, plaintiff may re-file his motion for the appointment of counsel. (Dkt. 23).

Plaintiff now asserts that, because of his closed head injury, which has affected his long and short term memory, the psychotropic medications he takes, the seizures from which he suffers, and his limited use of the English language, counsel should be appointed for him in this case. (Dkt. 26). Plaintiff does not offer any evidence in support of his assertions, such as medical reports, affidavits of medical professionals or records with equivalent degrees of reliability. Thus,

plaintiff offers no substantial and persuasive basis, at this time, for the undersigned to revisit the previous decision to deny the appointment of counsel prior to the resolution of a dispositive motion in plaintiff's favor.

IT IS HEREBY ORDERED that plaintiff's second motion for appointment of counsel is hereby **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made.

Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: August 22, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2008, I electronically filed the foregoing pleading with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Clifton B. Schneider, and I hereby certify that I have mailed by United States Postal Service the foregoing pleading to the plaintiff, a non-ECF participant, at the following addresses*: Najib Shoucair, # 25289, GUS HARRISON CORRECTIONAL FACILITY, 2727 E. Beecher Street, Adrian, MI 49221 and Najib Shoucair, # 23289, COOPER STREET CORRECTIONAL FACILITY, 3100 Cooper Street, Jackson, MI 49201.

*The court docket reflects that the plaintiff's address is the Gus Harrison Correctional Facility. However, a check with the Michigan Department of Corrections prisoner tracking system indicates that the plaintiff is currently located at the Cooper Street Correctional Facility.

s/James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
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(810) 341-7850
pete_peltier@mied.uscourts.gov